

CITY OF ROSENBERG

WORKSHOP CITY COUNCIL MEETING MINUTES

On this the 28th day of June, 2016, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Workshop Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: Cynthia A. McConathy, Mayor
William Benton, Councilor at Large, Position 1
Jimmie J. Pena, Councilor, District 1
Susan Euton, Councilor, District 2
Alice Jozwiak, Councilor, District 3
Lynn Moses, Councilor, District 4

Absent: Amanda J. Barta, Councilor at Large, Position 2

Staff Present: John Maresh, Interim City Manager
Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Dallis Warren, Police Chief
Charles Kalkomey, City Engineer
Tracie Dunn, Assistant Police Chief
Wade Goates, Fire Chief
Randall Malik, Economic Development Director
Tonya Palmer, Building Official
Rigo Calzoncin, Public Works Director
Steve Trevino, Interim Director of Information Services
Jenny Pavlovich, Communications Manager
Luis Garza, Finance Manager
Danyel Swint, Executive Assistant
Renee McAnally, Animal Control Officer
Kelly Kreusch, Police Officer
Dustin Stroud, Police Officer

Call to order: City Hall Council Chamber

Mayor McConathy called the meeting to order at 6:02 p.m.

AGENDA

1. **Review and discuss the bid documents and technical specifications for the Janitorial Services Contract for City facilities that include the Civic Center, City Hall, City Hall Annex, Animal Control, Police Department, and Fire Administration, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item has been included to provide an opportunity for City Council to review the bid documents and technical specifications for the Janitorial Services Contract (Contract). The current Contract with J&E Associates provides an option for two (2) additional one-year extensions however, due to service inconsistencies with this firm, staff recommends requesting new bids for janitorial services at City facilities.

The bid documents and technical specifications are attached for review and have been expanded to include the Fire Administration building, generally located at 4336 Highway 36 South, in addition to City Hall, City Hall Annex, Police Department, Civic Center, and Animal Control facilities.

KEY DISCUSSION POINTS

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary.
- Council asked if the City was having issues with the cleanliness of the facilities and Ms. Vasut stated the City has had issues for a while and after many emails and meetings with the current company, no significant improvements have been made.
- The bidding process was discussed.
- Mayor McConathy requested the Council Chamber be included in the weekly cleaning cycle, if not already.
- It is the consensus of Council to go forward with the bidding process for the Janitorial Services Contract for City facilities that include the Civic Center, City Hall, City Hall Annex, Animal Control, Police Department, and Fire Administration.

2. Review and discuss the "Water and Wastewater" Ordinance, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

On April 26, 2016, staff presented proposed changes to the "Water and Wastewater" Ordinance regarding dishonored checks, application requirements, deposits, temporary service, initiation/connection fees, credit adjustment, administrative penalties/reconnection fees and multi-unit accounts. The changes presented on April 26, 2016, are identified on the redlined excerpt of the Code of Ordinances. City Council requested additional changes, which are also identified on the redlined copy as the highlighted text and include the following:

1. Adding debit cards to types of payments accepted after receipt of a dishonored check (page 1).
2. Adding that accounts may only be discussed with persons whose names appear on the account (page 5).
3. Clarifying the types of accounts that are classified as commercial (page 6).
4. Changing that a deposit for a commercial account is not required if the customer has no history of delinquent payments in the last 12 months and that a deposit does not need to be updated if a customer is transferring service and has not had a delinquent payment in the last 12 months. (page 6).
5. Defining temporary service as 90 days and requiring a minimum fee of \$20 per month for temporary service (page 7).
6. Adding the inclining rate table for residential water rates, including four (4) tiers from \$2.50 to \$2.90 per 1,000 gallons (pages 13-14).
7. Adjusting the minimum monthly charge for commercial accounts and adding the inclining rate table for commercial water rates, including four (4) tiers from \$2.50 to \$2.90 per 1,000 gallons (page 12).

The Code of Ordinances section regarding sewer services was not addressed during the April 26, 2016 City Council Workshop. However, since the sewer charges are also currently based on a calculation for multiple units, changes were necessary to remain consistent with the charges for water service. The calculation for multiple units was removed and the rates were adjusted accordingly in order for the overall sewer revenues to remain at the same level.

Staff will review the additional changes. Should City Council concur with the proposed changes, an Ordinance adopting said revisions will be presented to City Council for consideration at a future Regular City Council Meeting.

KEY DISCUSSION POINTS

- Joyce Vasut, Executive Director of Administrative Services presented a PowerPoint presentation on the proposed changes to "Water and Wastewater" Ordinance previously presented to Council. Those proposed changes are:
 - Dishonored checks.
 - Application requirements.
 - Deposits.
 - Temporary service.
 - Initiation/connection fees.
 - Credit adjustments.
 - Administrative penalty/reconnection fee.
 - Multi-unit accounts.
- Other proposed changes are to water/sewer rates and minimum monthly charge for sewer service.
- Councilor Benton is opposed to any rate increase.
- The remaining Councilors are in favor of the recommended changes.
- The consensus of Council was to move forward with the ordinance changes and bring back to Council.

3. Review and discuss FY2017 Capital Improvement Plan and funding sources including the issuance of debt, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

Staff presented the FY2017 Capital Improvement Plan (CIP), as well as the FY2018-FY2021 CIP at the May 24, 2016 City Council Workshop. Staff has added two projects as requested by City Council - Railroad Quiet Zones and the 4th Street Extension Project.

A summary of the funding status for the proposed projects has also been included for your review and will

be presented at the meeting. Discussions may be held regarding the projects listed and recommendations made to finalize the FY2017 Capital Improvement Projects and the FY2018-FY2021 CIP. The final projects will be considered for adoption by City Council at a future meeting in the form of a Resolution.

KEY DISCUSSION POINTS

- Joyce Vasut, Executive Director of Administrative Services reviewed the Executive Summary and presented a PowerPoint presentation on the FY2017 Capital Improvement Plan.
- There is a total of 31 projects: 20 street and drainage projects (2 projects added after the May Workshop), 11 water and wastewater projects.
- Funding Status: 16 projects funded or partially funded, 5 projects funded by TxDOT, 4 projects approved for the proposed 2016 debt issue, 7 projects have proposed funding, and 6 projects for which funding needs to be determined.
- Councilor Euton requested the City get estimates on the 4th Street Expansion Project to include options for extending it to Rice Street, versus all the way to the feeder. John Maresh, Interim City Manager replied that was the plan for the City.
- Councilors agree improvements to drainage are needed and the longer repairs are deferred, the more expensive it will be to fix.
- The Fire Station EMS Center at US90A and Ave I will be on the FY2018 budget.
- The aquatic center at Seabourne Creek Park is a proposed partnership between the City and YMCA, as well as in the overall master plan of that community.
- The general consensus of Council is that most of these projects are important and need to be funded.

4. Review and discuss FY2017 Budget Priorities, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

As part of the Budget process, each department submitted their budget requests for FY2017, not including operational expenses. The requests were submitted as capital requests, supplemental requests, or personnel requests. The requests were compiled and City management (Department Directors) met and prioritized the requests.

Two separate listings of requests (supplemental and personnel), as prioritized by management, were presented to City Council at the May 24, 2016 City Council workshop. City Council prioritized the requests separately from one (1) to nineteen (19) for both the supplemental and personnel requests. The results of City Council's prioritization is attached.

This item has been placed on the Workshop Agenda to provide City staff the opportunity to present the plan for funding some of the items and updating the lists. The updated, prioritized listings will be presented to City Council for consideration at a future Regular City Council Meeting in the form of a Resolution. Should City Council approve the Resolution and finalize the FY2017 Budget Priorities, City staff will incorporate the selected items in the FY2017 Proposed Budget.

KEY DISCUSSION POINTS

- Joyce Vasut, Executive Director of Administrative Services presented a PowerPoint presentation on the budget priorities.
- Personnel requests were presented as ranked. A proposed plan for use of funds from budgeted, but unfilled, Executive Director of Support Services position was presented and staff requests Council's consent to:
 - Adjust FY2016 budget to transfer the funds from the current position to the proposed positions, to be filled as soon as possible and would be included in the FY2017 budget.
 - The three proposed positions would be removed from the FY2017 Budget Priorities for Personnel.
 - The FY2017 Budget Priorities for Personnel would include the remaining sixteen (16) positions and be presented in the form of a resolution at the July 05, 2016 City Council meeting. If the resolution is approved, the sixteen (16) positions will be considered for funding during the budget process.
- Proposed plan for supplemental requests was also presented to Council and staff requests Council's consent to:
 - Adjust the budget to transfer funds to the General Supplemental Fund for purchases, as presented to Council.
 - The proposed purchases would be included in FY2016 and carried-over to FY2017, if necessary.
 - The proposed purchases would be removed from the FY2017 Budget Priorities-Supplemental.
 - The FY2017 Budget Priorities for Supplemental Requests would include the remaining thirteen (13) items and be presented in the form of a resolution at the July 05, 2016 City Council meeting and, if approved, the thirteen (13) items would be considered for funding during the budget process.
- After some discussion, the general consensus of Council was to direct staff to bring a resolution back to Council for a budget adjustment for FY2016.

5. **Review and discuss the property tax rate, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This Agenda item will provide City Council an opportunity to discuss the City's proposed 2016 tax rate for FY2017. Staff will provide tax rate information, and open discussions regarding the effective tax rate and the rollback rate.

KEY DISCUSSION POINTS

- Joyce Vasut, Executive Director of Administrative Services presented a PowerPoint presentation on a general overview of the property taxes and tax rate. Ms. Vasut stated the City's Effective Tax Rate (ETR) will be presented at a later date when certified values are received from the Fort Bend Central Appraisal District (FBCAD).
- Tax rate has dropped approximately 8.5 cents since 2006 and the amount of the debt rate has decreased.
- Council does not set Debt Rate. It is based on the Required Debt Service less other sources (transfers from Water/Wastewater Fund, RDC, and the Civic Center Fund) and divided by 2016 taxable value. The Debt Rate affects the M&O rate.
- A total tax rate greater than the ETR requires two public hearings and the M&O portion of the rollback tax rate is the tax rate that would be needed to raise the same amount of taxes that the City levied in the prior year plus eight percent.
- The City collects one-half cent sales tax for the reduction of ad valorem taxes which is considered in the ETR calculation, and equates to a \$0.18 reduction in the property tax rate.
- The FBCAD is re-appraising properties for the tax year 2016 as of June 01, which will have less value and a higher rate.
- Councilors do not believe tax rate will be affected by the flood.
- The value of one cent of the City's current tax roll equates to approximately \$220,000.
- The variables before the City that could impact the ETR is reappraisals on flooded properties, disannexations that occurred this year, the drop in sales tax by eight percent, tax abatements that the City added to the tax rolls, and the construction on most major thoroughfares in and around the City.

6. **Review and discuss the compensation policy for employees under suspension, and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

A discussion item was presented at the May 24, 2016 City Council Workshop Meeting regarding the City's compensation policy for employees under suspension. City Council's general consensus at that time was to direct staff to gather similar policies from comparable cities and provide said policies for review.

Attached is a summary report showing suspension and administrative leave language from surrounding cities who responded to staff's request for information. In reviewing the policies provided, you will see similarities and the flexibility to utilize the policy based upon the specific situation. Staff and legal counsel have reviewed the language provided and concur that the City's Policy language for Suspension and Administrative Leave is suitable to our needs and does provide us with latitude to address a variety of situations fairly and equitably.

City Council is requested to review the summary report and provide direction to staff.

ACTION

It was the consensus of Council to table the item regarding compensation policy for employees under suspension and present at a future meeting.

7. **Review and discuss City Council Rules of Procedure (Ninth Revision), and take action as necessary to direct staff.**

EXECUTIVE SUMMARY

This item was requested by Mayor McConathy to provide an opportunity for City Council to review and discuss procedures for conduct during meetings as well as the procedures for placing Agenda items on an Agenda. The City Council Rules of Procedure (Ninth Revision) is attached for reference.

KEY DISCUSSION POINTS

- Mayor McConathy reviewed the Executive Summary and recommends the following for consideration:
 - If multiple Councilors request an agenda item, each of those Councilors must notify the City Secretary.
 - The Mayor and staff reserve the right to postpone any item being requested to a later agenda, to allow for more pressing business.
 - Restricting comments to three (3) minutes, or less, for each of the two (2) regular agendas. This only applies to each Councilor's initial comment, not follow-up questions.
- Councilor Benton would like to add a caveat to allow a vote to suspend the rule restricting comments to three (3) minutes in order to allow as much time as needed to discuss an item. Councilor Benton also does not believe the Mayor's position should have the ability to move an item to an agenda that is many months into the future.

- Councilors Moses, Jozwiak, Pena and Euton are in favor of the recommended proposals.
- City Attorney Scott Tschirhart stated placing time limits on elected officials is not appropriate and would like more time to review the issue more closely.
- This item will be brought for consideration on a later agenda with recommendations from staff and City Attorney.

8. *This item was formerly item 9 on the Agenda.*
Review and discuss a request from residents of Junker Road regarding the potential closing of Junker Road by Union Pacific Railroad, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

The residents of Junker Road requested an opportunity to address City Council regarding Union Pacific Railroad's plan to block access to Junker Road from its railroad crossing at Spur 529.

KEY DISCUSSION POINTS

- Interim City Manager John Maresh reviewed the Executive Summary.
- Ms. Rita Junker gave a presentation on the history of the Junker-Meyer family.
- City Attorney Scott Tschirhart discussed Section 258 of the Texas Transportation Code, as it applies to County Roads such as Junker Road.
- This item will be discussed in Executive Session at a later City Council meeting.

9. *This item was formerly item 8 on the Agenda.*
Review and discuss restructuring at the City's Animal Control Shelter, and take action as necessary to direct staff.

EXECUTIVE SUMMARY

This Agenda item was requested to provide an opportunity for City Council to discuss the City's Animal Control Department.

KEY DISCUSSION POINTS

- Due to Councilor at Large, Position 2 Amanda J. Barta's absence, this item will only be discussed as to the lingering issues brought to the Council's attention and dispel some of the misinformation presented through public comments.
- Police Chief Dallis Warren discussed the revised Volunteer Program Handbook, as well as the policies and procedures of the Animal Control Shelter operations.
- Councilor Moses would like to contract with the County for animal control services.
- Clarification is needed to the policies and procedures document regarding the locked/unlocked doors. Doors must be unlocked during normal business hours.
- Council suggests holding a public meeting to allow dialog between the concerned citizens and the City. A sign-in sheet was provided for those that wanted to sign up to speak at that public meeting, when it occurs.

10. **Hold Executive Session to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Texas Government Code Section 551.072; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal for the position of Assistant City Secretary pursuant to Section 551.074 of the Texas Government Code; and, to deliberate economic development negotiations pursuant to Section 551.087 of the Texas Government Code.**

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor, District 1 Jimmie J. Pena to adjourn into Executive Session.

VOTE: 6 - 0 Carried - Unanimously by those present

11. **Adjourn Executive Session, reconvene Workshop Session, and take action as necessary as a result of Executive Session.**

Mayor McConathy adjourned the Executive Session and reconvened into Workshop Session.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 4 Lynn Moses to accept the resignation of Anne Stark, former Assistant City Secretary effective June 16, 2016.

VOTE: 6 - 0 Carried - Unanimously by those present

ACTION

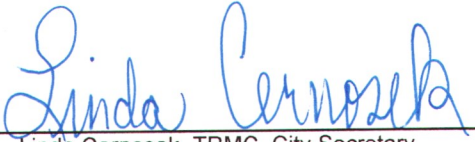
Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 3 Alice Jozwiak to appoint Cynthia Sullivan to the position of Assistant City Secretary effective immediately.

VOTE: 6 - 0 Carried - Unanimously by those present

12.

Adjournment.

There being no further business, Mayor McConathy adjourned the meeting at 8:50 p.m.



Linda Cernosek, TRMC, City Secretary